

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

NXIVM CORPORATION, f/k/a/ EXECUTIVE  
SUCCESS PROGRAMS, INC., and FIRST  
PRINCIPLES, INC.,

*Plaintiffs,*

v.

ESTATE OF MORRIS SUTTON, ESTATE OF  
ROCHELLE SUTTON, THE ROSS INSTITUTE,  
RCK ROSS a/k/a/ "RICKY ROSS," STEPHANIE  
FRANCO, PAUL MARTIN, PH.D., and  
WELLSPRING RETREAT, INC.,

*Counterclaim-Defendants.*

Civil No. 2:06-1051 (KSH) (MF)

**ORDER**

RICK ROSS.,

*Counterclaim-Plaintiff,*

v.

KEITH RANIERE, NANCY SALZMAN, KRISTIN  
KEEFFE, INTERFOR, INC., JUVAL AVIV, JANE  
DOE, and JOHN DOES 1-10,

*Counterclaim-Defendants.*

INTERFOR, INC. and JUVAL AVIV,

*Crossclaimants,*

v.

NXIVM CORPORATION., KEITH RANIERE,  
NANCY

*Counterclaim-Defendants.*

For the reasons expressed in the accompanying opinion,

It is on this 30<sup>th</sup> day of December, 2016, hereby

**ORDERED** that the motion for summary judgment on count one filed by Stephanie Franco [D.E. 603] is **granted**; and it is further

**ORDERED** that the motion for summary judgment on count one filed by Rick Ross, the Ross Institute, the Estate of Paul Martin, and Wellspring Retreat [D.E. 614] is **granted**; and it is further

**ORDERED** that count one is **dismissed**; and it is further

**ORDERED** that the motion for summary judgment on count three filed by NXIVM [D.E. 607] is **denied**; and it is further

**ORDERED** the motion for summary judgment on count four filed by the Suttons, Rick Ross, and the Ross Institute [D.E. 604, 614] is **granted**; and it is further ordered

**ORDERED** that count four is **dismissed**; and it is further

**ORDERED** that the motion for summary judgment on count seven filed by Ross, the Ross Institute, Martin, and Wellspring Retreat [D.E. 614] is **GRANTED**; and it is further

**ORDERED** that count seven is dismissed.

As a consequence of the above rulings, NXIVM's claims against the Suttons, Ross, the Ross Institute, Martin, and Wellspring Retreat are **dismissed** in full. As to the counterclaim in this matter, it is further

**ORDERED** that the motion filed by Raniere, Salzmänn, and NXIVM for summary judgment in their favor on the counterclaim [D.E. 606, 608] is **granted** and the counterclaim is **dismissed**; and it is further

**ORDERED** that count three, the claim by NXIVM against Stephanie Franco for breach of contract, shall proceed to trial before the undersigned. Counsel for the parties are directed to appear before Magistrate Judge Cathy Waldor for pretrial scheduling and directions.

s/ Katharine S. Hayden  
Katharine S. Hayden, U.S.D.J.